

Exhibit “18”

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION

4
5 CASE NUMBER

6 05-cv-0326-W

7 (JURY DEMAND)
8

9 JANICE McCOLLUM,

10 Plaintiff,

11 vs.

12 AMTREN, INC.,

13 Defendant.
14

15
16 DEPOSITION TESTIMONY OF:

17 JANICE McCOLLUM
18

19 October 25, 2006

20 9:00 a.m.
21

22 COURT REPORTER:

23 JENNIFER DAVIS, CSR

COPY

1 S T I P U L A T I O N

2 IT IS STIPULATED AND AGREED by and
3 between the parties through their respective
4 counsel that the deposition of JANICE
5 McCOLLUM, may be taken before Jennifer
6 Davis, Certified Shorthand Reporter and
7 Notary Public, State at Large, at the
8 offices of Slaten & O'Connor, 105 Tallapoosa
9 Street, Montgomery, Alabama, on October 25,
10 2006, commencing at approximately 9:00 a.m.

11 IT IS FURTHER STIPULATED AND AGREED
12 that the signature to and the reading of the
13 deposition by the witness is hereby waived,
14 the deposition to have the same force and
15 effect as if full compliance had been had
16 with all laws and rules of Court relating to
17 the taking of depositions.

18 IT IS FURTHER STIPULATED AND AGREED
19 that it shall not be necessary for any
20 objections to be made by counsel to any
21 questions, except as to form or leading
22 questions, and that counsel for the parties
23 may make objections and assign grounds at

1 the time of trial or at the time said
2 deposition is offered in evidence, or prior
3 thereto.

4

5

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A P P E A R A N C E S

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FOR THE DEFENDANT:

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1 I, Jennifer Davis, a Certified
2 Shorthand Reporter of Millbrook, Alabama,
3 and a Notary Public for the State of Alabama
4 at Large, acting as Commissioner, certify
5 that on this date, pursuant to the Federal
6 Rules of Civil Procedure, and the foregoing
7 stipulation of counsel, there came before me
8 at the offices of Slaten & O'Connor, 105
9 Tallapoosa Street, Montgomery, Alabama,
10 commencing at approximately 9:00 a.m. on
11 October 25, 2006, JANICE McCOLLUM, witness
12 in the above cause, for oral examination,
13 whereupon the following proceedings were
14 had:

15
16 JANICE McCOLLUM,
17 having first been duly sworn, was examined
18 and testified as follows:

19 EXAMINATION

20 BY MR. TRAWICK:

21 Q. State your name for the record,
22 please.

23 A. Janice McCollum.

1 A. Correct.

2 Q. Why did you voluntarily leave
3 Thermalex?

4 A. Because I thought I might be
5 laid off.

6 Q. Did you have another position to
7 go to?

8 A. Yes.

9 Q. Which one?

10 A. Amtren.

11 Q. Had you accepted a position with
12 Amtren before you resigned from Thermalex?

13 A. I did.

14 Q. Tell me about how you learned
15 about the position at Amtren.

16 A. Newspaper ad.

17 Q. What process did you go through
18 to apply for this job?

19 A. I sent a resume.

20 Q. To whom?

21 A. To Amtren.

22 Q. Do you recall any particular
23 person, or was it just addressed to the

1 A. Two hundred dollars.

2 Q. Weekly?

3 A. Weekly, estimated.

4 Q. Do you have any documents that
5 indicate how much unemployment compensation
6 you received?

7 A. Probably so in a tax file.

8 MR. TRAWICK: Can we get a copy
9 of that?

10 MR. JACOBS: I'm going to object
11 to relevance, but I think we can provide
12 that to you. Unemployment is not countable
13 in mitigation.

14 MR. TRAWICK: That's an issue we
15 will address later. I'm just asking if you
16 will provide what she received.

17 Q. (By Mr. Trawick) Tell me your
18 post high school education.

19 A. I have a BS, BA from Auburn
20 University at Montgomery.

21 Q. When did you receive that
22 degree?

23 A. 1996.

1 Q. Did you have a major other than
2 business?

3 A. Accounting.

4 Q. Are you a certified public
5 accountant?

6 A. No.

7 Q. Where did you work prior to
8 starting with Amtren?

9 A. Thermalex.

10 Q. Can you spell that for me?

11 A. T-H-E-R-M-A-L-E-X.

12 Q. What kind of company is that?

13 A. It's a manufacturer of aluminum
14 extrusions.

15 Q. Here in Montgomery?

16 A. Yes.

17 Q. Did you start with that company
18 after you received your degree in accounting
19 from AUM?

20 A. No.

21 Q. Did you start before?

22 A. I'm sorry. Did I start after?

23 Q. After you received your degree

1 corporation?

2 A. I don't recall.

3 Q. If you will, just generally tell
4 me, from the time you sent the resume to
5 Amtren in response to the ad in the
6 newspaper and the time that you were offered
7 the position, what process was followed in
8 your employment.

9 A. Okay. Please restate that
10 question.

11 Q. From the time you sent the
12 resume to Amtren until you were offered a
13 position, just tell me the process that was
14 followed for you -- by you to obtain that
15 job.

16 A. I received a call from Kirk
17 Lamberth.

18 Q. Lamberth?

19 A. I believe it was a call. Hold
20 on a minute. There was contact by Kirk
21 Lamberth to me to set up a telephone
22 interview. Are you asking me how I received
23 the position? What happened and how did I

1 receive the position?

2 Q. Yes.

3 A. Okay. Contacted me to set up a
4 telephone interview. I went through a
5 telephone interview with him, and then I
6 went through a formal interview with him. I
7 don't recall how much time it took exactly
8 before he called me and offered me the
9 position.

10 Q. Did you interview with anyone
11 else at Amtren?

12 A. Not that I recall.

13 Q. And when did you start working
14 for Amtren?

15 A. I believe it was --

16 Q. The month and year would be
17 sufficient.

18 A. Okay. January of 2004.

19 Q. And what position did you accept
20 with Amtren?

21 A. Accounting manager.

22 Q. What was your understanding of
23 your duties as the accounting manager at

1 Amtren?

2 A. My understanding would be to
3 perform the accounting functions for that
4 business, help with projections, and help
5 with some analysis.

6 Q. Anything else?

7 A. Not that I can think of.

8 Q. What do you mean by perform
9 accounting functions for the business?

10 A. I mean, produce financial
11 statements, book journal entries.

12 Q. Let me ask you to assume that
13 the person reading this deposition is not an
14 accountant.

15 A. Okay.

16 Q. I'm not an accountant. It will
17 help if you explain what you mean by journal
18 entries and things like that.

19 A. Journal entries, those would be
20 entries that would be made to the accounting
21 system by way of a double entry system,
22 debits and credits.

23 Q. Accounts receivable and accounts

1 payable, things like that?

2 A. Yes.

3 Q. What type of accounting system
4 was in place at Amtren when you started?

5 A. Peachtree.

6 Q. Explain what Peachtree is.

7 A. The system that they had was
8 basically a small accounting-type,
9 bookkeeping package.

10 Q. Is it computerized?

11 A. It was PC based, yes.

12 Q. Anything else that you did as an
13 accounting function for the company?

14 A. Not that I can think of right
15 now.

16 Q. Did you have responsibility for
17 dealing with tax issues?

18 A. I don't understand. What type
19 of tax issues?

20 Q. Payroll taxes, filing tax
21 returns, making the payments on behalf of
22 the company to the IRS, the Alabama
23 Department of Revenue, those types of

1 issues.

2 A. I had responsibility regarding
3 payroll taxes.

4 Q. What were your responsibilities
5 regarding payroll taxes?

6 A. Basically remitting the payroll
7 taxes to the proper departments.

8 Q. State and federal?

9 A. Yes. And filling out the
10 remittal form, the 941, and I don't recall
11 the payroll form for the state.

12 Q. The 941 is a federal form?

13 A. Yes.

14 Q. Any other accounting-type
15 functions that you recall?

16 A. Not that I recall.

17 Q. Did you have any responsibility
18 for making payments on behalf of the company
19 for insurance?

20 A. Accounts payable.

21 Q. Insurance would be an accounts
22 payable of the company?

23 A. Yes.

1 Q. What type of insurance? Health
2 insurance for the employees, for example?

3 A. Yes.

4 Q. Any other type of insurance?
5 Liability insurance for the company?

6 A. Not that I recall.

7 Q. But you do recall having to make
8 payments to, I assume, to Blue Cross Blue
9 Shield for insurance for the employees?

10 A. Yes, I do recall that.

11 Q. When you first started working
12 with the company, did you have the authority
13 to write checks to accomplish these
14 accounting functions?

15 A. No.

16 Q. At some point in time, did you
17 receive that authority?

18 A. Yes.

19 Q. How long after you started
20 working for Amtren?

21 A. I don't recall.

22 Q. A couple of months, three
23 months?

1 Q. What did you do?

2 A. I don't recall exactly. It
3 wasn't much.

4 Q. As an accountant, what does help
5 with analysis mean to you?

6 A. That would, to me, mean help
7 with analysis of the financial position of
8 the company to make decisions.

9 THE WITNESS: I need to get
10 something to drink. Would that be all
11 right?

12 MR. TRAWICK: Let's take a
13 minute.

14 (Brief recess.)

15 Q. (By Mr. Trawick) During the
16 time that you worked with Amtren, did anyone
17 else perform those accounting functions that
18 you testified about?

19 A. Yes.

20 Q. Who?

21 A. There were some clerical or
22 temps. I don't recall all of their names.

23 Q. Was there any other accountant,

1 though, that performed these accounting
2 functions?

3 A. Not that I recall.

4 Q. Well, Ms. McCollum, you worked
5 at Amtren, and you have brought this
6 lawsuit.

7 A. Yes.

8 Q. You would recall whether or not
9 there was another accountant there.

10 A. David Fields is an accountant.
11 He was there.

12 Q. Tell me what David Fields did.

13 A. You know, I wasn't his
14 supervisor. I really didn't know all of his
15 functions.

16 Q. Do you know any of his
17 functions?

18 A. He was in production, I believe.
19 The production manager.

20 Q. Did he have anything to do with
21 the accounting functions you've testified
22 about?

23 A. I don't really recall. You

1 that you worked with Amtren, did David
2 Fields perform any of these accounting
3 functions that you previously testified
4 about?

5 A. Not that I recall.

6 Q. Did anyone else perform any of
7 these accounting functions that you
8 previously testified about?

9 A. I've already answered the
10 question.

11 Q. Well, answer it again.

12 THE WITNESS: Do I have to
13 answer the question twice --

14 MR. TRAWICK: Yes, you do.

15 MR. JACOBS: Go ahead and tell
16 him again.

17 A. There were clerical people that
18 performed some of those functions.

19 Q. Any other accountants?

20 A. Not that I recall.

21 Q. Who was your immediate
22 supervisor during the time that you worked
23 at Amtren?

1 A. Kirk Lamberth.

2 Q. Was there a controller during
3 the time that you worked at Amtren?

4 A. That I reported to?

5 Q. Yes.

6 A. No.

7 Q. Was there a controller that you
8 didn't report to?

9 A. No.

10 Q. Tell me the reasons you left
11 Amtren.

12 A. I did not voluntary leave
13 Amtren.

14 Q. You were terminated?

15 A. Yes.

16 Q. When were you terminated?

17 A. April.

18 Q. April of 2005?

19 A. Yes.

20 Q. Were you given any reasons why
21 you were terminated?

22 A. The one mainly that I recall is
23 because Mr. Lamberth had stated that he did

1 Do you recall that?

2 A. I'm sorry. What was that?

3 Q. In the interrogatories that we
4 submitted to you, which your responses are
5 identified as Defendant's Exhibit 1, we
6 asked that you identify any errors that you
7 made in the performance of your job duties.
8 Do you recall that?

9 A. You asked me to identify any
10 errors.

11 Q. Yes.

12 A. I assume, if it's in there.

13 Q. Let me just direct your
14 attention to paragraph seven.

15 A. Okay.

16 Q. Take a minute and read it and
17 your response.

18 A. (Witness reviews document.)
19 Okay.

20 Q. Is it your testimony that the
21 only error that you made in the performance
22 of your job duties was this one payment
23 error regarding Plextor?

1 A. Can you restate the question?

2 Q. Did you make any errors in the
3 performance of your job duties at Amtren,
4 other than the one error that you have
5 identified in paragraph seven of your
6 responses to the defendant's interrogatories
7 pertaining to a payment error to Plextor?

8 A. Not that I recall.

9 Q. Does that imply that there were
10 errors that you may have forgotten about?

11 A. It's just not that I can recall.

12 Q. Tell me about this error that
13 was made to Plextor.

14 A. I would need to see all of the
15 documents, the original invoice, the payment
16 to Plextor, the accounts payable aging, in
17 order to fully give you all the information.

18 Q. Ms. McCollum, I'm asking you
19 what you recall about this payment error.

20 A. Okay. What I recall is that
21 there was a pricing change that I was not
22 aware of, notified of. This pricing change
23 is only sent to OEM.

1 Q. That's not my question,
2 Ms. McCollum. Listen to my question. It's
3 a very simple question.

4 A. Okay.

5 Q. Do you recall after this --
6 after making payment to this vendor at the
7 incorrect price, any other invoices that
8 were received from this same vendor that
9 contained the incorrect price?

10 A. I don't recall.

11 Q. In response to the
12 interrogatory, you state that other male and
13 white employees, who held a professional
14 position such as myself, were not treated in
15 the same manner. What do you mean by that
16 statement?

17 A. I mean that other male
18 employees, for example, David Fields, who
19 made an error -- an inventory error -- was
20 not terminated. There are three engineers
21 that work there, male, who have made
22 mistakes and errors costing the company.
23 They have not been terminated.

1 Q. Anyone else?

2 A. Not that I recall.

3 Q. How did you learn of David

4 Fields making the inventory error?

5 A. Through Mr. Lamberth and other

6 employees.

7 Q. What did Mr. Lamberth tell you

8 about this?

9 A. That David Fields made a large
10 inventory error.

11 Q. Did he tell you anything else?

12 A. Not that I recall.

13 Q. When was this error made?

14 A. I don't know.

15 Q. Before you were terminated, I
16 assume?

17 A. Yes.

18 Q. When you left Amtren, was David
19 still employed?

20 A. Yes.

21 Q. Do you know if David has
22 subsequently been terminated?

23 A. Yes, I believe he has.

1 Ms. McCollum. This lady can't take both of
2 us talking at the same time.

3 A. Okay.

4 Q. Do you recall anything else
5 about the conversation with Mr. Lamberth
6 wherein you allege that he told you about
7 this error that David Fields made?

8 A. No.

9 Q. Are you aware of any other
10 errors that David Fields made?

11 A. I don't recall.

12 Q. Do you know if the error that
13 David Fields made cost the company any
14 money?

15 A. Seventy thousand dollars.

16 Q. How do you know it cost the
17 company seventy thousand dollars?

18 A. That is what I was told.

19 Q. Told by whom?

20 A. Kirk Lamberth.

21 Q. So you do remember something
22 else about the conversation?

23 A. Yes, sir.

1 Q. Do you recall anything else?

2 A. No.

3 Q. How did it cost the company
4 seventy thousand dollars?

5 A. I'm not sure.

6 Q. You didn't ask?

7 A. I don't recall.

8 Q. Who were the three engineers
9 that made mistakes?

10 A. I believe Steve, Mike --

11 Q. Do you know Steve's last name?

12 A. No. I don't know. I can't
13 remember any of them's last name. Steve,
14 Mike, and there's a John.

15 Q. Steve, Mike, and John are --

16 A. Uh-huh.

17 Q. Let me finish my question:

18 Steve, Mike, and John are the three
19 engineers that you are referring to?

20 A. Yes, I am.

21 Q. What type of error did Steve
22 make?

23 A. They had -- I believe Steve had

1 shut down the production line because of a
2 product -- what he thought was a product
3 defect.

4 Q. Anything else?

5 A. Not that I recall.

6 Q. How did you learn that Steve had
7 shut down the production line because of a
8 production defect?

9 A. I don't remember who told me
10 about that.

11 Q. Do you know whether or not there
12 was a product defect?

13 A. No, I don't.

14 Q. Do you know whether it was
15 proper or improper to shut down the
16 production line because of a production
17 defect?

18 A. No, I don't.

19 Q. What type of error did Mike
20 make?

21 A. All three of them would be the
22 same. It's basically the same thing as far
23 as shutting the production line down.

1 remember who they are or who that was.

2 Q. How did you learn of Mike's
3 error of shutting down the production line?

4 A. I believe somebody told me. I
5 don't know exactly who it was.

6 Q. Is it a fair statement that you
7 have no firsthand knowledge about the
8 production line being shut down and whether
9 or not there was a product defect?

10 A. No.

11 Q. That's not correct? You do have
12 firsthand knowledge?

13 A. I'm sorry. Ask the question
14 again.

15 Q. Is it correct that you have no
16 firsthand knowledge about the production
17 line being shut down and whether or not
18 there was a product defect which caused --

19 A. Yes.

20 Q. -- the production line to be
21 shut down? Is that a correct statement?

22 A. I did not know if the product
23 defect was there or not. That is a correct

1 abilities and the accounting system I had
2 put in.

3 Q. Was that Mas90, the accounting
4 system?

5 A. I believe, if I recall
6 correctly.

7 Q. Did you put in any other
8 accounting system other than Mas90?

9 A. Yeah, sure did. I put in
10 Peachtree for manufacturing, and I believe
11 one other integrated system.

12 Q. You previously testified that
13 when you started working at Amtren, the
14 accounting system was Peachtree. Is that
15 different from Peachtree for manufacturing?

16 A. Yes, it is.

17 Q. Do you recall the name of the
18 other accounting system that you put in?

19 A. It was still Peachtree. It was
20 just a different version of it.

21 Q. This letter that you testified
22 about that was presented to the banker, did
23 you prepare that letter?

1 A. No.

2 Q. Did you receive a copy of that
3 letter?

4 A. Yes.

5 Q. Who sent you a copy of the
6 letter?

7 A. Kirk.

8 Q. Do you still have a copy of the
9 letter?

10 A. Yes.

11 Q. Was it produced?

12 THE WITNESS: Was it produced?

13 A. I'm sure it was.

14 MR. TRAWICK: If it wasn't
15 produced, it should have been produced.

16 MR. JACOBS: We gave you
17 everything we have. Can we go off the
18 record a minute?

19 (Off-the-record discussion.)

20 Q. (By Mr. Trawick) Let me show
21 you what has been marked as Defendant's
22 Exhibit 3. Is that a copy of the letter you
23 have previously testified about?

1 (Whereupon, a document was
2 marked as Defendant's Exhibit 3 and is
3 attached to the original transcript.)

4 A. Yes.

5 Q. How many meetings did you
6 observe between Kirk, Jerry, and a banker?

7 A. One.

8 Q. You previously testified that
9 you saw Jerry perform duties with various
10 customers. What were those duties?

11 A. I'm not exactly sure.

12 Q. What did you see?

13 A. Meetings with the customers.

14 Q. Anything else?

15 A. That's basically it, that I can
16 think of. Mainly meetings with the
17 customers.

18 Q. Do you know what these meetings
19 were about?

20 A. No, I do not know what they were
21 all about.

22 Q. Is it a fair statement you have
23 no firsthand knowledge of what these

1 (Whereupon, a document was
2 marked as Defendant's Exhibit 4 and is
3 attached to the original transcript.)

4 A. Uh-huh.

5 Q. Is that your handwriting?

6 A. The signature?

7 Q. Yes.

8 A. Yes.

9 Q. The date on that is May 19,
10 2005; is that correct?

11 A. Uh-huh.

12 Q. At the time you filed this, did
13 you have a lawyer?

14 THE WITNESS: Both you and I put
15 that together.

16 A. Uh-huh.

17 Q. Is it correct that your
18 attorney, Mr. Jacobs, assisted you in
19 drafting this document?

20 A. Yes.

21 Q. In this document, you have
22 alleged that the cause of discrimination is
23 based upon color. What do you mean by that?

1 A. I am an Asian.

2 Q. Korean?

3 A. Yes.

4 Q. And you have also alleged sex,
5 which is obviously female; is that correct?

6 A. Correct.

7 Q. And you also allege national
8 origin. What is your national origin you
9 are contending you were discriminated
10 against?

11 A. Asian.

12 Q. Again, Korean?

13 A. Uh-huh.

14 Q. You know Lisa McNamee, don't
15 you?

16 A. Yes.

17 Q. Is she part Korean?

18 A. I believe she is.

19 Q. And is it correct that she was
20 hired at Amtren while you were still working
21 there?

22 A. Yes.

23 Q. And I believe you previously

1 testified that Lisa -- you worked with Lisa;
2 is that correct?

3 A. Yes.

4 Q. Did you supervise Lisa?

5 A. To some extent. Both

6 Mr. Lamberth and myself.

7 Q. Do you know who hired Lisa?

8 A. Myself and Mr. Lamberth.

9 Q. Did you have the authority to
10 hire Lisa without Mr. Lamberth's approval?

11 A. No.

12 Q. Is it a correct statement, then,
13 that Mr. Lamberth had the authority to hire
14 new employees at Amtren?

15 A. Yes.

16 Q. When you left Amtren, was Lisa
17 still working there?

18 A. Yes.

19 Q. When you worked with Lisa, what
20 were Lisa's duties?

21 A. Data entry.

22 Q. Into Mas90?

23 A. Into whatever system was there.

1 Q. Do you recall if Mas90 was --

2 A. I believe it was, but I would
3 need to look at all those to make sure.
4 Whatever accounting system, it's data entry.

5 Q. What type of data would she
6 enter into the accounting system?

7 A. Invoices.

8 Q. Anything else?

9 A. I don't remember everything.
10 But I know it was invoices, customer
11 purchase orders.

12 Q. Anything else?

13 A. Not that -- it was mostly --
14 distribution of mail.

15 Q. I didn't make myself very
16 clear. Any other type of data entry that
17 Lisa did into the accounting system other
18 than invoices and customer purchase orders?

19 A. I thought you said what her
20 duties were.

21 Q. I did first. But you said data
22 entry, and I'm asking you about what type of
23 data did she enter into the system, and you

1 your question?

2 Q. That's my question. Yes.

3 A. Probably, yes.

4 Q. Probably?

5 A. Uh-huh. Yes.

6 Q. Tell me what you recall about

7 the penalty that was assessed against

8 Amtren.

9 A. There was a penalty for the
10 three months of state taxes that was not
11 filed.

12 Q. And I think you testified that
13 was before you got there; is that correct?

14 A. I saw the -- no. Well, the
15 three months that weren't filed happened
16 before I got there.

17 Q. You told me about that.

18 A. Okay.

19 Q. Now, during the time that you
20 were there and the time that you were
21 responsible for making the payroll taxes to
22 the IRS and to the state, were there any
23 penalties assessed against Amtren?

1 A. Yes, I believe so.

2 Q. Tell me about those penalties.

3 A. Okay. I just don't recall all
4 what they were. I know that there were. I
5 don't know exactly which form it was or
6 which tax it was. I mean, I just don't
7 recall.

8 Q. Who was responsible for making
9 those payroll taxes?

10 A. That would be myself.

11 Q. And it's your testimony that you
12 don't recall anything about those penalties
13 being assessed against Amtren, even though
14 it was your responsibility, other than the
15 fact that the penalties were assessed?

16 A. There were penalties assessed.
17 I don't recall --

18 Q. More than one? On more than one
19 occasion; is that correct?

20 A. I believe so, but I don't recall
21 which form it was, which tax it was.

22 Q. I'm not asking you that. I'm
23 asking you was it your responsibility to

1 make those payments in a timely fashion?

2 A. Yes.

3 Q. Did you fail to make those
4 payments in a timely fashion and, thus, a
5 penalty was assessed?

6 A. No.

7 Q. Why was the penalty assessed,
8 then?

9 A. I would need to see the
10 documentation. I'm not sure.

11 Q. You don't know; is that correct?

12 A. I'm not sure.

13 Q. And you're saying it wasn't
14 your --

15 A. I don't see Amtren's name on
16 there at all.

17 Q. You've previously testified that
18 on more than one occasion penalties were
19 assessed against Amtren, either by the state
20 or by the federal government for late tax
21 payments; is that correct?

22 A. I'm not sure what the penalties
23 were for. I know there were some

1 Are you saying payroll tax payments? I was
2 responsible --

3 Q. Ms. McCollum, you just testified
4 that during the time that you worked at
5 Amtren, there were penalties assessed
6 regarding taxes.

7 A. Yes. But I don't know which tax
8 it was.

9 Q. And my question is, was anyone
10 else responsible for ensuring that those
11 taxes were paid timely or paid correctly,
12 other than you?

13 A. Not -- it was just me.

14 Q. We've established that, then.

15 A. Okay.

16 Q. And is it your testimony that
17 sitting here today you have no recollection
18 of the reasons those penalties were
19 assessed?

20 A. Not at this time.

21 Q. All right. Is it your
22 testimony, Ms. McCollum, that these
23 penalties were not the result of your errors

1 and omissions?

2 A. I don't know what penalty you're
3 talking about.

4 Q. Ms. McCollum, you testified --

5 A. That there were penalties.

6 Q. Yes. And my question is, is it
7 your testimony those penalties were not
8 assessed because of your errors and
9 omissions?

10 A. I'm not sure. I would have to
11 look at the paperwork.

12 Q. Ms. McCollum, this is not a
13 difficult question.

14 A. Uh-huh.

15 Q. You're obviously a very
16 intelligent woman, and you've previously
17 testified that penalties being assessed are
18 something that is significant.

19 A. Yes.

20 Q. And it's your testimony you
21 don't know if these penalties were assessed
22 because of something you failed to do or
23 not?

1 A. I'm just not sure.

2 Q. Then it could be because of your
3 duties?

4 A. It could be.

5 Q. Okay. You just don't have any
6 recollection of the facts as to why these
7 penalties were assessed; is that correct?

8 A. Like I said, it could have
9 been. I just would need to see it.

10 Q. Let me show you what's been
11 marked as Defendant's Exhibit 6, which are
12 documents number 0297, 298, and 299, which
13 were produced to your lawyer.

14 (Whereupon, a document was
15 marked as Defendant's Exhibit 6 and is
16 attached to the original transcript.)

17 A. Okay.

18 Q. Take a look at those documents.

19 A. (Witness reviews documents.)
20 Okay.

21 Q. You would agree that that's --
22 strike that. Tell me what those documents
23 are that are marked as Defendant's Exhibit

1 6.

2 A. It's a notice saying that they
3 have changed the balances in the federal tax
4 deposits for the quarter, and this would be
5 for tax period December 31, 2004.

6 Q. And why would there be changes
7 made by the IRS? Let me ask you this
8 question, then. Strike that. Did you
9 receive this document when you were employed
10 at Amtren?

11 A. I may have. I received many
12 documents. I can't pinpoint exactly.

13 Q. I think, as Mr. Lamberth pointed
14 out just a second ago, Defendant's Exhibit 6
15 and Defendant's Exhibit 5 go together.
16 Would you agree with that?

17 A. Let's see. Deposits
18 insufficient -- yes, it appears that it
19 does.

20 Q. Okay. During the time that you
21 worked with Amtren, do you recall receiving
22 the documents, Defendant's Exhibit 6 and 5?

23 A. Yes, I believe I did.

1 Q. Defendant's Exhibit 6 states, we
2 changed your tax return because we found a
3 calculation error. Did I read that
4 correctly?

5 A. Yes.

6 Q. Who is responsible for filing
7 the returns that these documents,
8 Defendant's Exhibit 5 and 6, apply to?

9 A. I was responsible.

10 Q. And as a result of the
11 calculation error or the errors in those
12 documents, is it correct that Amtren was
13 assessed a penalty of \$1,012.05?

14 A. According to this letter, they
15 were. I wonder if they paid that penalty.

16 Q. Who would have been responsible
17 for paying it?

18 A. Well, let's see. This right
19 here -- sometimes you can do some things.
20 This right here is a 941, probably not due
21 until January 31st. This is dated March
22 14th, 2005. So I was terminated on April
23 8th. So that notice was just before my

1 termination.

2 Q. But you agree that this notice
3 that's identified as Defendant's Exhibits 5
4 and 6 pertain to the time that you had
5 responsibility for performing these duties;
6 is that correct?

7 A. Yes.

8 Q. And you will agree that because
9 you failed to perform your duties correctly,
10 Amtren was assessed a penalty of \$1,012.05;
11 is that correct?

12 A. I would not agree with that.

13 Q. Why was Amtren assessed that
14 penalty, then?

15 A. According to this, it was
16 because of a calculation error. But that
17 could be a lot of different things. For one
18 thing, if I recall correctly, this right
19 here, when I received this notice, most of
20 it was due to the fact that the incorrect
21 week numbers were listed on the 941. But
22 again, I would have to see the 941s to be
23 able to --

1 to my question. I think the testimony is
2 going to show they had to pay it, but that's
3 not material at this point. You will agree
4 -- strike that. Is it correct that this
5 penalty was assessed because of an error you
6 made in filing the forms on behalf of
7 Amtren?

8 A. It would appear to be.

9 Q. When you received the documents
10 identified as Exhibits 5 and 6, did you
11 inform Mr. Lamberth of this problem?

12 A. Yes, I believe did.

13 Q. What did you tell him?

14 A. To the best of my memory, that
15 there was a penalty; that I was researching
16 it and would try to correct it. But I don't
17 recall -- I do believe I informed him about
18 it, though.

19 Q. Was anyone present when you told
20 him about this?

21 A. No.

22 Q. Did you correct this error
23 before you left?

1 A. I believe I did. I believe I
2 did.

3 Q. Whose handwriting is this on the
4 first page of Defendant's Exhibit 6 that has
5 some numbers, 94-11342?

6 A. I have no idea.

7 Q. That's not your handwriting?

8 A. No.

9 Q. Is this 185 here your
10 handwriting?

11 A. It doesn't look like it.

12 Q. Let me direct your attention to
13 document number 0298, which is a part of
14 Defendant's Exhibit 6. This indicates a
15 balance due of \$1,556.56; is that correct?

16 A. That is what this says, yes.

17 Q. Do you know what that dollar
18 amount represents?

19 A. I'm not real sure. I would have
20 to study the 941.

21 Q. It is your testimony that you
22 took care of this before you left; is that
23 correct?

1 issue that needed to be corrected if the IRS
2 couldn't determine the tax periods.

3 Q. Okay. And you don't recall
4 whether or not you filed those returns or
5 whether or not the bank filed those returns;
6 is that correct?

7 A. The remittance, that would be
8 correct. I do not recall, but I believe it
9 was the bank. Excuse me. Let me retract
10 that, because I had just started working
11 there.

12 Q. And you don't recall talking to
13 the bank about this problem?

14 A. I don't remember.

15 Q. Is it correct you did not recall
16 at this time discussing this issue with the
17 bank?

18 A. I don't really remember, but I
19 may have.

20 Q. You previously testified that it
21 was your responsibility during the time that
22 you were at Amtren to make the payments on
23 behalf of Amtren to Blue Cross Blue Shield;

1 is that correct?

2 A. Yes.

3 Q. Were there ever any problems
4 with those payments?

5 A. Not that I would consider major
6 problems. They were all paid.

7 Q. What were the minor problems,
8 then?

9 A. Well, I don't -- in my opinion,
10 there weren't any as far as payment.

11 Q. Were the payments always on
12 time?

13 A. They were in a timely fashion.

14 Q. That's not my question. Do you
15 want me to repeat my question?

16 A. They were made in a timely
17 fashion.

18 Q. Were they made by the date that
19 they were due?

20 A. I believe they were.

21 Q. Were the insurance payments made
22 in advance of the time period -- let me
23 rephrase that. It's a bad question. Were

1 the insurance payments made monthly or
2 quarterly?

3 A. I believe it was monthly.

4 Q. Is it correct that, for example,
5 the payment for the month of March would
6 have been due in February?

7 A. I'm not really sure exactly when
8 it would have been due. I would need to see
9 an invoice.

10 Q. You don't recall one way or the
11 other?

12 A. To the best of my recollection,
13 it would have been due by the 10th of the
14 month that it was covering, or the 5th. I
15 don't exactly remember, but it was not -- to
16 the best of my knowledge, you know, if it
17 was to cover the month of March, it would
18 have been due March 1st.

19 Q. Let me show you what's been
20 marked as Defendant's Exhibit 12. Do you
21 recall receiving this document from Blue
22 Cross Blue Shield?

23 (Whereupon, a document was

1 marked as Defendant's Exhibit 12 and is
2 attached to the original transcript.)

3 A. Yes, I believe so.

4 Q. Does this indicate that the
5 payment has not been made on time?

6 A. This does have a previous
7 balance on it.

8 Q. So your testimony previously
9 that the payments were made on time is
10 incorrect; is that correct?

11 A. According to this document,
12 that's what would appear to be so.

13 Q. Do you have reason to dispute
14 that document?

15 A. No, I don't. But the document
16 does indicate -- see, this portion was
17 probably already paid because I wrote only
18 to pay this amount, the current portion
19 due. So the checks were probably crossed up
20 in the mail. This document process date is
21 3/18. So the check was probably crossed up
22 in the mail. I have a notation. This is my
23 handwriting.

1 Q. Only pay the amount of \$6,810;
2 is that correct?

3 A. Yeah, because the other portion
4 had already been paid. The amount past due
5 had already been paid.

6 Q. So it wasn't timely made, then;
7 is that correct?

8 A. Okay.

9 Q. All right. Let me show you
10 what's been marked as Defendant's Exhibit
11 13. Do you recall receiving this document?

12 (Whereupon, a document was
13 marked as Defendant's Exhibit 13 and is
14 attached to the original transcript.)

15 A. No.

16 Q. Does this document indicate that
17 the March payment was not made timely?

18 A. I don't believe so. Huh-uh.
19 No. That's not what it's saying.

20 Q. What's it saying, then?

21 A. This says that there was an
22 adjusted previous balance of \$7,980, and the
23 current amount due is \$6,810. This process

1 have had the payment and didn't have time to
2 post it. It happens in accounting all of
3 the time.

4 Q. It's your testimony, then, it
5 was made on time; is that correct?

6 A. I think I've already answered
7 that question.

8 Q. Answer it again.

9 A. I'm not sure. I would have to
10 see the check date.

11 Q. Let me show you again
12 Defendant's Exhibit 13. The process date of
13 this document is April 5, 2005. Would you
14 agree with that?

15 A. The process date is April 15,
16 2005. I was terminated on 4/8.

17 Q. What's this date over here in
18 the left-hand corner?

19 A. Amount applied to this invoice
20 -- this is the process -- this says that
21 this \$6,960 was processed on 4/5, when that
22 payment was received on 4/5.

23 Q. Which made it late?

1 A. I believe that's what it says.

2 Q. Okay. Thank you. Isn't it
3 correct, Ms. McCollum, that you instructed
4 Lisa McNamee to hold payments and make
5 payments to Blue Cross during the grace
6 period and not to make them on time?

7 A. No.

8 Q. You deny that, then?

9 A. Yes.

10 Q. So if Ms. McNamee testified to
11 that, she would be lying; is that correct?

12 A. I answered your question. I'm
13 not going to say if Ms. McNamee lies or not.

14 Q. It's my understanding that she
15 is going to testify that you instructed her
16 to do that.

17 A. That's fine. It's my testimony
18 that I didn't.

19 Q. Okay. Do you recall the
20 circumstances under which Amtren's credit
21 card processor with Chase Visa was
22 cancelled?

23 A. Yes.

1 credit cards were processed, Chase Visa
2 determined that the credit cards were no
3 good; is that correct?

4 A. I believe so.

5 Q. And because the credit cards
6 were no good, Chase Visa charged it back to
7 Amtren; is that correct?

8 A. Yes.

9 Q. Do you know when those three
10 systems were sold?

11 A. I don't recall.

12 Q. Do you recall when you received
13 notification of the charge backs?

14 A. I saw the charge backs coming
15 through the bank system when I checked the
16 bank accounts on-line.

17 Q. Do you remember when that was?

18 A. No.

19 Q. Well, do you recall when the
20 credit card processor was cancelled?

21 A. Not exactly, no. Just before I
22 left. I don't remember exactly when.

23 Q. Let me show you what's been

1 marked as Defendant's Exhibit 14, which is
2 also document 0040. Do you recall receiving
3 this document?

4 (Whereupon, a document was
5 marked as Defendant's Exhibit 14 and is
6 attached to the original transcript.)

7 A. Yes.

8 Q. Whose handwriting is on that
9 document?

10 A. Mine.

11 Q. Okay. Is it correct that this
12 document is from Chase Merchant Services
13 notifying Amtren that the merchant services
14 account has been cancelled?

15 A. Yeah, I believe that's what it
16 -- let's see. Yes.

17 Q. It's your testimony that this
18 was cancelled because of excessive charge
19 backs?

20 A. From my understanding, yes.

21 Q. This notice states that it's
22 being cancelled because of an overdue unpaid
23 charge of \$118.41; is that correct?

1 A. Yes, that's what it says.

2 Q. Who was responsible for paying
3 this \$118.41?

4 A. The \$118.41 would have been
5 drafted from our bank accounts, and that's
6 the way the credit card processors collected
7 their fees. So they would have been drafted
8 by the bank accounts by the credit card
9 processor. After this transaction with the
10 fraudulent credit card companies, I believe,
11 under Mr. Lamberth's instruction, he signed
12 bank cards so that you couldn't debit
13 certain accounts or take money from them.
14 It happened to be the account that the
15 credit card companies used to debit those
16 fees. They were unable to debit those fees.

17 Q. So it's your testimony that it
18 was Mr. Lamberth's fault that this \$118.41
19 was not paid?

20 A. I'm saying that he changed the
21 debits on the accounts, and the credit card
22 company could not debit the accounts.

23 Q. Did you receive any notices

1 prior to receiving Defendant's Exhibit 14
2 that there's an unpaid charge of \$118.41?

3 A. You know, I don't recall. I
4 don't remember. I apparently tried to do
5 something. My handwriting and notes are all
6 over this.

7 Q. You would agree, would you not,
8 that typically Chase Merchant Services
9 provides some notification of an unpaid
10 charge prior to cancelling the account?

11 A. I would assume that they
12 should. I don't know if they did.

13 Q. When did you discuss this with
14 Mr. Lamberth?

15 A. I don't remember the exact time,
16 but just as soon as I found out.

17 Q. Did you find out before or when
18 you received Defendant's Exhibit 14?

19 A. I believe when I received
20 Defendant's Exhibit 14.

21 Q. Tell me about your conversation
22 with Mr. Lamberth when you received
23 Defendant's Exhibit 14.

1 Q. It's a very significant problem,
2 is it not?

3 A. I would agree it is a problem.

4 Q. Well, it's not a significant
5 problem? Just a problem?

6 A. I would agree it is a problem.

7 Q. Okay. And it's your testimony
8 that prior to receiving Defendant's Exhibit
9 14 you had no information that there was a
10 problem?

11 A. I don't recall.

12 Q. You may have received some
13 information?

14 A. May have.

15 Q. All right. Then when
16 Mr. Lamberth testifies that you failed to
17 notify him about this, you can't refute
18 that; is that correct?

19 A. Please restate that question.

20 Q. It is my understanding there
21 will be testimony that you received notice
22 regarding a problem with this account prior
23 to receiving Defendant's Exhibit 14 and that

1 Q. What was the process by which
2 Amtren would bay that charge back?

3 A. I'm not sure.

4 Q. Did you ever receive any
5 documentation that either Chase Merchant
6 Services or a credit card company had made a
7 draft on Amtren's checking accounts for a
8 charge back?

9 A. Okay. That may be the way they
10 got it through the bank. Yeah. You're
11 right. I'm sorry.

12 Q. It is correct that those kinds
13 of documents came to you, and you were
14 advised of that since you were responsible
15 for the checking accounts?

16 A. I was responsible for the
17 checking account, and I assume those
18 documents would have come to me, yes.

19 Q. O even though you don't recall
20 at the present time other than there were
21 some charge backs, you would have been
22 notified through some documentation that
23 either Chase Merchant Services or a credit

1 card processing company had attempted to
2 deduct some money from Amtren's checking
3 account because of a charge back; is that
4 correct?

5 A. I would assume they would notify
6 me, yes.

7 Q. Are you testifying they could
8 have deducted money from Amtren's checking
9 accounts and you wouldn't have known
10 anything about it?

11 A. They couldn't have done it if
12 somebody didn't give them authorization, and
13 that would have been Kirk Lamberth.

14 Q. Okay. Assuming they had
15 authorization, is it your testimony that
16 they could have deducted the money and you
17 would not have known through any
18 documentation that the money was deducted
19 from the account?

20 A. I would know the money was
21 deducted from the account, because I
22 reconciled the bank statement. So I'd know
23 if money was deducted from the account.

1 Q. You would get some kind of
2 documentation from whoever deducted the
3 money from the account that we deducted X
4 amount of dollars and here's the reason we
5 deducted X amount of dollars; is that
6 correct?

7 A. I would assume so.

8 Q. And you routinely received such
9 documentation, did you not?

10 A. I probably did.

11 Q. Ms. McCollum, this is nuts.
12 Strike that. Is it your testimony that
13 sitting here today, you don't recall what
14 your duties were regarding the balancing of
15 checking accounts and whether or not you
16 received any documentation from companies
17 that they were deducting money from Amtren's
18 checking account?

19 A. No, that is not my testimony.

20 Q. Is it correct, then, that you
21 routinely received documentation from Chase
22 Merchant Services or other processing
23 companies that money was being deducted from

1 Q. What kind of documentation would
2 that have been, then?

3 A. I would assume a notice of some
4 sort, you know. I'm not really sure.

5 Q. You just don't recall ever
6 receiving a notice, then, that money was
7 being deducted?

8 A. I said I may have.

9 Q. Okay. Were there ever occasions
10 when the Chase Merchant Services attempted
11 to deduct the money from Amtren's checking
12 account and there was not money in there
13 sufficient for that deduction?

14 A. That may have been possible. I
15 just don't know. I would have to see the
16 bank account.

17 Q. You don't recall any specific
18 incident when that happened?

19 A. I don't recall.

20 Q. Whose responsibility would it
21 have been to ensure that there was enough
22 money in that account to cover that
23 deduction?

1 A. It was my responsibility to
2 maintain the checking account, if that's
3 what you're asking.

4 Q. And it would have been your
5 responsibility to ensure that there were
6 sufficient funds in that account to cover
7 any deductions that Chase Merchant Services
8 may have made?

9 A. I don't believe that would have
10 been all my responsibility.

11 Q. Whose responsibility would it
12 have been?

13 A. There's a lot of factors
14 involved. You just can't sit there and say
15 -- there's just a lot of factors involved.

16 Q. What factors?

17 A. Ask the question again. I'm
18 getting tired. I'm sorry.

19 Q. So am I.

20 A. Okay. And I'm trying to
21 remember. This was two years ago. It's
22 been a long time.

23 Q. We've established that this was

1 a significant problem -- or at least a
2 problem. You wouldn't say it was
3 significant. But it was at least a problem
4 that Amtren encountered.

5 A. Yes, it was a problem. The
6 credit card processing was definitely a
7 problem.

8 Q. And my question is, prior to
9 receiving Defendant's Exhibit 14, were there
10 occasions when you received notification
11 from Chase Merchant Services that they
12 attempted to deduct money from Amtren's
13 account to process charges when there was
14 not sufficient funds in that account?

15 A. I may have.

16 Q. But you don't recall that?

17 A. I don't.

18 Q. Even though it was a problem?

19 A. Right.

20 Q. Let me show you what's been
21 marked as Defendant's Exhibit 15 and ask you
22 if you recall seeing that document.

23 (Whereupon, a document was

1 marked as Defendant's Exhibit 15 and is
2 attached to the original transcript.)

3 A. Yes, I do.

4 Q. Tell me about that document.

5 A. It's a lease agreement for a
6 copier.

7 Q. Did you get approval to enter
8 into this lease agreement?

9 A. Yes.

10 Q. Who gave you that approval?

11 A. Mr. Lamberth.

12 Q. When did he give you that
13 approval?

14 A. Prior to me turning in the
15 agreement.

16 Q. Okay. During the time that you
17 were responsible for Amtren's checking
18 accounts, were there occasions when the
19 checking accounts did not have sufficient
20 funds in the accounts and there were charges
21 to Amtren because of insufficient funds?

22 A. Yes.

23 Q. Tell me about that.

1 A. I'm not really sure. I couldn't
2 elaborate on that. I would have to look and
3 see exactly what the insufficient -- the
4 balances were and insufficient funds were
5 for.

6 Q. Whose responsibility was it to
7 ensure that the checking accounts did not
8 have insufficient funds?

9 A. I guess it was mine.

10 Q. You would agree that that was an
11 error, then?

12 A. (No response.)

13 Q. You may think it's funny, but I
14 don't think it's funny.

15 A. I know you don't. That's okay.

16 Q. Did you advise Mr. Lamberth that
17 Amtren was receiving insufficient funds
18 charges because of a lack of funds in the
19 checking accounts?

20 A. I'm sure. I don't remember.
21 I'm sure I did, you know. He had access to
22 the on-line records. I just don't remember,
23 but I'm sure I did.

1 Q. Let me show you what's been
2 marked as Defendant's Exhibit 16, document
3 0042 through 0048. Have you seen those
4 documents before?

5 (Whereupon, a document was
6 marked as Defendant's Exhibit 16 and is
7 attached to the original transcript.)

8 A. Yes. I believe these are the
9 ones --

10 THE WITNESS: Didn't we receive
11 these in the packet?

12 Q. (By Mr. Trawick) Let me
13 rephrase that question. Do you recall
14 receiving those documents during the time
15 you worked at Amtren?

16 A. I couldn't have received those.

17 Q. You could have received --

18 A. I could not have received
19 those. And I believe I did receive these.

20 Q. You received document numbers
21 0042, 0043, and 0044 and 0045; is that
22 correct?

23 A. Yes, I believe I did.

1 But I don't know what that code means, that
2 code that's on there.

3 Q. Mas90?

4 A. Okay. Yes.

5 Q. I believe you previously
6 testified that Bobby Lake was the person at
7 Wilson Price who, for lack of a better word,
8 trained you on Mas90?

9 A. He was the consultant that
10 helped us install Mas90, yes.

11 Q. Okay. Was there an occasion
12 when you informed Mr. Lake that his services
13 were no longer needed?

14 A. I don't remember, you know,
15 telling him that, that his services were no
16 longer needed.

17 Q. Did Amtren have a contract with
18 Wilson Price for a certain amount of
19 technical services on installing Mas90?

20 A. Yes.

21 Q. Did you ever reduce that amount
22 of technical service?

23 A. I don't know. I may have to

1 save Amtren money. I felt that I could put
2 the system in myself.

3 Q. So if Bobby Lake testified that
4 you did reduce the amount of services, you
5 couldn't refute that; is that correct?

6 A. I just don't recall at this
7 time.

8 Q. Okay. And is it your testimony
9 that at the time you decided to reduce the
10 amount of services that Wilson Price would
11 provide, Mas90 was fully integrated and you
12 were fully trained on the system?

13 A. I don't recall reducing the
14 services, and it takes years to install a
15 fully integrated software system. We just
16 started installing this, I believe, in
17 September or October of 2004. I was
18 terminated in April. I didn't really have a
19 chance.

20 Q. You previously testified about
21 the error with Plextor. Do you recall that
22 testimony?

23 A. I do.

1 payable accounts?

2 A. Sure, uh-huh.

3 Q. And it's my understanding that

4 Padus -- is that the way you pronounce it?

5 A. I believe that's right. Padus.

6 Q. Would send invoices to Amtren to
7 be paid?

8 A. Yes.

9 Q. I believe it was your
10 responsibility to ensure that those invoices
11 were timely paid?

12 A. Yes.

13 Q. Were there ever any problems
14 with Amtren making timely payments to Padus?

15 A. When you say timely payments,
16 what are the terms?

17 Q. What do you mean by timely
18 payments?

19 A. We tried to pay all of our
20 vendors within 45 days. Sometimes that
21 worked out, and sometimes it didn't. It
22 depended on cash flow.

23 Q. Now, my question is, were there

1 problems with making timely payments to
2 Padus?

3 A. There may have been. I don't
4 remember.

5 Q. You don't recall any?

6 A. I mean, I don't know. I would
7 have to see the documents.

8 Q. Well, were there lots of
9 accounts that there were problems with
10 making timely payments to?

11 A. No, not in my opinion.

12 Q. Then, if there was a problem
13 with Padus, you should remember that, then;
14 is that correct?

15 A. Maybe I should. It's two years
16 ago. I don't.

17 Q. However, you do recall that
18 there were problems with making timely
19 payments to some of the accounts payable of
20 Amtren; is that correct?

21 A. No, I don't recall that. We
22 tried to pay everybody in 45 days. You
23 know, that was our terms.

1 Q. Were the accounts paid within 45
2 days?

3 A. We tried to.

4 Q. Does that mean that sometimes --

5 A. I'm not going to sit here and
6 say we paid every account in 45 days,
7 because I don't know.

8 Q. Do you know who Elisabetta
9 Benetollo is?

10 A. Does she work for Padus?

11 Q. Yes. It's spelled
12 E-L-I-S-A-B-E-T-T-A, B-E-N-E-T-O-L-L-O.

13 A. Okay.

14 Q. Do you recall her?

15 A. I believe I do.

16 Q. I spelled it for the court
17 reporter, not you.

18 A. I know that.

19 Q. Did you ever have any problems
20 with -- strike that. Do you recall
21 discussing any problems with Ms. Benetollo
22 about problems getting the invoices paid to
23 Padus?

1 A. I don't remember the specifics.

2 I would need to see the documents.

3 Q. What do you remember generally?

4 A. I remember talking to her, I
5 believe. I don't know every piece of the
6 conversation.

7 Q. Well, do you recall generally
8 what the problem was or problems were?

9 A. I don't know if there was a
10 problem.

11 Q. You just don't know --

12 A. If it's regarding payment. Like
13 I said, we tried to pay everyone in 45 days.

14 Q. Did you ever talk with
15 Mr. Lamberth about problems with not paying
16 everyone in 45 days?

17 A. No, not that I remember.
18 Mr. Lamberth was all for paying everybody in
19 45 days.

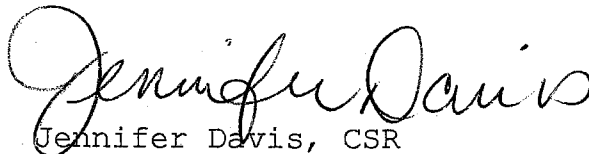
20 Q. Was it your responsibility --
21 strike that. Did you have any
22 responsibility with the processing of orders
23 from Amtren's customers?

1 C E R T I F I C A T E

2
3 STATE OF ALABAMA)
4 COUNTY OF ELMORE)
5

6 I hereby certify that the above and
7 foregoing deposition was taken down by me in
8 stenotype, and the questions and answers
9 thereto were transcribed by means of
10 computer-aided transcription, and that the
11 foregoing represents a true and correct
12 transcript of the deposition given by said
13 witness upon said hearing.

14 I further certify that I am neither
15 of counsel nor of kin to the parties to the
16 action, nor am I in anywise interested in
17 the result of said cause.

18
19 
20 Jennifer Davis, CSR

21
22 My Commission expires
23 October 11, 2010

Jennifer Davis, CSR